

4053. Adulteration and misbranding of orangeade. U. S. * * * v. Francis Cropper * * *
(The Francis Cropper Co.). Plea of guilty. Fine, \$25. (F. & D. No. 4174. I. S. No. 3773-d.)

On January 20, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Francis Cropper, doing business as The Francis Cropper Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 26, 1911, from the State of Illinois into the State of Minnesota, of a quantity of orangeade which was adulterated and misbranded.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids (per cent).....	63.9
Nonsugar solids (per cent).....	0.7
Reducing sugars before inversion (per cent).....	61.7
Reducing sugars after inversion (per cent).....	63.2
Sucrose, by copper (per cent).....	1.37
Ash (per cent).....	0.01
Nonvolatile acidity as citric (per cent).....	1.00
Volatile acidity as acetic (per cent).....	0.17
Tartaric acid (per cent).....	0.29
Tartarates precipitated and washed give strong silver mirror test.	
Citric acid: Present in considerable amounts; forms lead salt soluble in hot water, precipitating in cold.	
Catechu: Present.	

Adulteration of the product was alleged in the information for the reason that a substance, to wit, an invert sugar sirup artificially colored and artificially flavored, had been substituted wholly for the article of food aforesaid; further, for the reason that a substance, to wit, an invert sugar sirup artificially colored and artificially flavored, had been substituted in part for the article of food aforesaid.

Misbranding was alleged for the reason that each of the bottles packed in the cases containing the article of food as aforesaid bore a label in words and figures as follows, to wit, (Shipping case) "Orangeade—Sole Producers—The Francis Cropper Co. Chicago." (Tag tacked to top of shipping case) "For Barrett & Barrett—12 qts.—St. Paul, Minn.—From The Francis Cropper Co., 59 Michigan Street, Chicago." (On bottle) "Orangeade—Sole Producers—The Francis Cropper Co., Chicago,—Guaranteed under the Pure Food & Drugs Act, June 30, 1906." (Neck label) "Orangeade," which said labels appearing on each of said bottles containing the article of food contained a pictorial representation of an orange, and which statement, "Orangeade," upon the label borne upon each of the bottles and upon each of the cases, and the statements, designs, and devices upon the labels aforesaid were false and misleading in that the statement represented to the purchaser that the article of food was a product made from the juice of oranges, sugar, and water, without the addition of artificial color and flavor, whereas, in truth and in fact, each of the bottles did not contain the juice of oranges, sugar, and water, without the addition of artificial color or flavor, but was [contained] an invert sugar sirup artificially colored and artificially flavored. Misbranding was alleged for the further reason that said labels appearing on each of the bottles contained a pictorial representation of an orange, and which statement, "Orangeade," upon the label borne upon each of the bottles and the statements, designs, and devices upon the labels aforesaid misled and deceived the purchaser into the belief that the article of food aforesaid was a product made from the juice of oranges, sugar, and water, without the addition of artificial color and flavor, whereas, in truth and in fact, each of the bottles did not contain the juice of oranges, sugar, and water,

without the addition of artificial color and flavor, but was [contained] an invert sugar sirup artificially colored and artificially flavored. Misbranding was alleged for the further reason that said labels appearing on each of the bottles contained a pictorial representation of an orange, and which statement, "Orangeade," upon the label borne upon each of the bottles, and the statements, designs, and devices upon the labels aforesaid were false and misleading in that the labels aforesaid purported to state that the article of food contained in the bottles was orangeade, whereas, in truth and in fact, the product called orangeade contained in the bottles aforesaid was not orangeade, but was an imitation product prepared from invert sugar sirup artificially colored and artificially flavored, and was an imitation of and offered for sale under the distinctive name of another article known as orangeade.

On July 14, 1915, the defendant entered a plea of guilty to the information, and on June 30, 1915, the court imposed a fine of \$100 and costs. On July 23, 1915, the defendant filed a motion for rehearing on the plea of guilty, which was allowed by the court, and the case was continued to October 15, 1915, for disposition. On the latter date the order of June 30, 1915, imposing a penalty of \$100 and costs, was vacated, and a penalty of \$25 and no costs was imposed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., December 4, 1915.